

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
November 8, 2005**

Present: Commissioners Lythgoe, Notbohm and Weber; Matt Johnson, County Attorney; Kellie Doherty, Personnel Officer; Bonnie Ramey, Clerk and Recorder; Glenn Marx, *Whitehall Ledger*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*

MINUTES

Commissioner Weber moved to approve the minutes of October 18. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to approve the minutes of October 25. Commissioner Notbohm seconded. The motion carried.

REPORTS

Receipt of October expense and revenue reports from the Clerk and Recorder.

CALENDAR REVIEW

- 11/08 E-9-1-1 meeting - 7:00
- 11/09 Meet with Bob Marks - 8:00
 - Gold West meeting - Fairmont - 11:00
- 11/10 Canvas election - 9:00
 - South Helena Interchange meeting - 10:00
 - Library Board - 6:30
- 11/11 Holiday - County offices closed
- 11/14 Health Board interviews
- 11/15 Health Board meeting - 6:30

COMMISSION REPORTS

November 8, 2005 minutes.wpd

HIGHWAY 282

Commissioner Lythgoe reported that the Commission met with the Lewis and Clark Commissioners and the City of Helena regarding a letter from MDT stating that the entities involved would take over responsibility of highway 282. Commissioner Lythgoe stated that all had the same response; they may consider this, but not before MDT does something with the road. There is a meeting scheduled with the director on the 10th, and he hopes to discuss this with him at that time. Commissioner Weber stated that he has been told that MDT has told their maintenance person in Whitehall not to touch Robbins Lane, and people are being told that this road is the county's responsibility.

JEFFERSON LOCAL DEVELOPMENT CORP

Commissioner Lythgoe reported that the monthly JLDC meeting was held in Whitehall on the 3rd. Tom Harrington hosted a tour around Whitehall and the industrial park. They discussed another company's proposal to buy Placer Dome. This would be a hostile takeover, and was not solicited. They feel that there is a strong possibility that this could happen.

BRIDGE ACCESS

Commissioner Notbohm reported that he attended a meeting at Fish, Wildlife and Parks regarding bridge access. This has been an on-going issue in Madison County, and they are upset by the coverage they received in the *Independent Record*. The Attorney General published an opinion regarding public rights on bridges. He stated that it was an interesting meeting, with lots of opinions on access issues.

CORRESPONDENCE

Request for the County to help buy back time from PERS: Commissioner Lythgoe stated that they have received a letter from John McEachern, who has been an employee for almost 25 years. He has been out on worker's comp and is now requesting that Jefferson County pay the amount needed to reach his 25 years of service. He attached a document from PERS which verifies the dollar amount. The letter also indicates that the employee also contribute an almost equal amount. Commissioner Lythgoe stated that the Commission needs to act on this request, and asked if the County would need to pay its portion regardless. Matt stated that the County would be obligated to pay its half, but it is up to the employee to pay his portion; he doesn't feel that it is a good idea to set precedent by paying the employee's portion. Commissioner Notbohm asked if there is any obligation for the County to pay the county portion. Kellie stated that she has to agree with Matt, the County is obligated to pay their portion of the PERS payout. Commissioner Notbohm asked if anyone has checked with Bonnie to see what the County's obligation is. He also noted that he does not want to hold John up or harm him in any way. Commissioner Weber stated that the letter indicates that this is an industrial accident payment. Matt stated that if the employer doesn't pay, it is up to the employee to pay the full amount to receive the benefit. Kellie stated that, according to Bonnie, her office received a letter from the Commission years ago that states when an employee decides to purchase time, the County does not pay towards that. Bonnie stated that the letter is possibly from the early 1990s. At that time, there were a lot of employees that had quit and pulled their PERS. The Commission decided at that time that the County would not contribute. Commissioner Notbohm stated that his attitude is if they do it for one employee, they will have to do it for all of them, and there is the possibility that others may want to purchase time back. Bonnie stated that there are a lot out

there that could.

Commissioner Lythgoe stated that it is his opinion that this be dealt with on a case-by-case basis. Commissioner Notbohm asked about the union. Commissioner Lythgoe stated that this is not a union issue, and precedent-setting doesn't hold a lot of credibility with him. He asked for clarification that the Commission opinion in the early 90s was that the County not pay anything. Bonnie stated that the reason they did that at that time was to nullify County responsibility. Commissioner Lythgoe stated that he can understand this with a voluntary buy out, but feels that this is different as it deals with an accident. Commissioner Notbohm asked what the payout will be for John's sick leave and vacation time. Bonnie stated that it will be approximately \$6,700. Commissioner Notbohm stated, not because of the payout, because he earned it, he would move to deny the request to pay for the buy out. Commissioner Lythgoe asked if the motion includes both portions. Commissioner Notbohm stated yes; under the circumstances, he would deny the request to pay either portion. Commissioner Lythgoe seconded. Discussion followed.

Commissioner Weber asked if John falls into a different category because he was hurt on the job, rather than voluntarily retiring. Kellie stated that she and Matt were just discussing this. They feel that since this was an accident and not his choice, the County could agree to pay their portion. Matt stated that the County is not obligated. However, if the Commission is going to change the policy, the motion needs to be changed to discuss this more. Commissioner Weber asked if they need to do more research; if this could be an ADA concern. Commissioner Notbohm stated that John is on worker's comp. If the Commission does, in fact, grant his request, they will be changing policy and this is something that needs to be on an agenda. They will also be obligated to all of those that are on worker's comp. John was out for 8 months, but he asked about those that have been out for four or five years. The motion carried, with Commissioners Lythgoe and Notbohm voting aye and Commissioner Weber voting nay.

Commissioner Lythgoe requested that Kellie contact John and ask that he send in a new request, as his request did not include the county portion. He may have assumed that the county had to pay their portion. Bonnie stated that she is aware that there are a lot of people that have bought back time, and that is why the Commission decided to create the policy.

At the end of the meeting, Matt and Kellie approached the Commission with new information. Matt stated that per MCA 19-3-504, as long as an employee is leaving due to injury or illness, the County is obligated to pay their share. John must first make his intention of payment however. Commissioner Lythgoe asked the other Commissioners if they would like to revisit and deal with it at this time. Commissioner Notbohm asked that if it is a requirement per statute, do they have to do anything at this time. Kellie stated that she will write John a letter denying his request that the County pay his portion, but explaining that if he pays his portion, the County is obligated per statute to pay their portion.

MOU between Jefferson County and the State IT Services Division: Commissioner Lythgoe stated that the Commission receive a MOU from the Information Technology Services Division regarding a Statewide Transportation Framework Database. There is no money from the county involved. Commissioner Notbohm stated that this is surprising; it can't be cheap for them. Commissioner Weber stated that he was given the responsibility to look into this. The state just wants to make sure that they are kept up-to-date with information. He sees no reason not to enter into this agreement. Commissioner Weber moved to enter into the agreement with the Information Technology Services Division to share GIS information. Commissioner Notbohm

seconded. The motion carried.

Commissioner Weber stated that he would like to acknowledge that he has received a lot of correspondence regarding the roadless issue and the Solid Waste Board's decision to discontinue access to the metal piles.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

RESOLUTION 32-2005 DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

Commissioner Lythgoe read the resolution as follows:

RESOLUTION 32-2005

DISTRIBUTION OF METALLIFEROUS MINES LICENSE TAX

WHEREAS, §15-37-117, MCA, requires that twenty-five percent (25%) of metalliferous mines license taxes, collected by the State under the authority of Title 15, Chapter 37, Part 1, MCA, be distributed to the county in which the mine is located; and

WHEREAS, § 15-37-117, MCA, requires the County Commissioners of such county to allocate those sums received by them, from said metalliferous mines license taxes collected by the State, as follows:

- (1) Not less than forty percent (40%) to the County Hard Rock Mine Trust Reserve Account established under § 7-6-2225, MCA; and
- (2) All money, not allocated to the said County Hard Rock Mine Trust Reserve Account, is to be allocated as follows:
 - (a) 33⅓% to the County Metal Mines Tax Reserve Account for planning or economic development activities;
 - (b) 33⅓% to the elementary school districts Metal Mines Tax Reserve Account, within the County, that have been affected by the development or operation of the metal mines; and,
 - (c) 33⅓% to the high school districts Metal Mines Tax Reserve Account within the County that have been affected by the development of operation of the metal mine; and

WHEREAS, there are several metalliferous mines located within the boundaries of Jefferson County; and

WHEREAS, Jefferson County government has recently received \$54,007.75 as its share

of such metalliferous mines license taxes collected from the metalliferous mines within Jefferson County,

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Commissioners as follows:

1. That forty percent (40%) of such total sum of \$54,007.75 shall be allocated to and placed in, the County Hard Rock Mine Trust Reserve Fund 2895 established under § 7-6-2225, MCA.

2. That all such sums, held in the above-referenced Hard Rock Mine Trust Reserve Fund and/or above-numbered fund(s) on behalf of the above-named school districts and Jefferson County, shall remain in such account and shall be properly accounted for under the appropriate fund number or numbers established for the same. Further, such sums shall be appropriated by the governing body of Jefferson County, and/or distributed thereby, only in accordance with the provision of § 7-6-2226, MCA.

3. That sixty percent (60%) of such total sum of \$54,007.75 shall be allocated to, and placed in, the County Metal Mines Tax Reserve Account established under § 7-6-2226, MCA.

4. That one-third ($\frac{1}{3}$) of the said sixty percent (60%) placed in the County Metal Mines Tax Reserve Account pursuant to the preceding Paragraph No. 3 shall be placed in Economic Development and Planning Account No. 2320. Such sums to be paid to said account (totaling at this time, the sum of \$10,801.55) shall only be used for planning or economic development activities.

5. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following elementary school districts, affected by the development or operation of the several metal mines, or a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Cardwell Elementary School District No. 16, the total sum of \$5,400.78 to be placed in said School District's Account No. 7716;

(ii) To the Whitehall Elementary School District No. 4-47, the total sum of %\$5,400.77 to be placed in said School District's Account No. 7713;

6. That one-third ($\frac{1}{3}$) of the said sixty percent (60%), placed in the County Metal Mines Tax Reserve Account pursuant to the above Paragraph No. 3, shall be allocated and appropriated to the benefit of the following high school districts, affected by the development or operation of

the several metal mines, on a pro-rata basis determined from the license taxes collected from the mine or mines within each such school district:

(i) To the Whitehall High School District No. 2, the total sum of \$10,801.55 to be placed in said School District's Account No. 7762;

DATED this 8th day of November, 2005.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER

Commissioner Lythgoe moved to adopt the resolution. Commissioner Weber seconded. The motion carried.

DISCUSS AND DECIDE ON COUNTY OWNERSHIP OF UPPER JACKSON CREEK ROAD

Commissioner Lythgoe stated that the Commission has received a request from Betty Ellis to move the date for a decision on this back several weeks. Commissioner Notbohm stated that he had some information from a couple taxpayers up there that get a tax credit due to the county road. This needs to be researched. Commissioner Lythgoe stated that private sector people are searching, and the county also needs to be doing some research. Commissioner Weber suggested that the item remain on the November 22nd agenda and also be placed on the November 29th agenda. Commissioner Notbohm stated that Lonnie is the obvious person to do the research, but he needs to be directed not to obligate the county to anything with his opinion. Commissioner Lythgoe stated that he will talk to Carl. There are a lot of different opinions on this road.

DISCUSS STRUCTURE FIRE PROTECTION FOR PROPERTY OWNERS NOT LIVING IN A FIRE DISTRICT

Commissioner Lythgoe stated that this topic had good discussion the previous week, and there is no new information. He spoke with Pat McKelvey, and currently there is a \$500 minimum presented to insurance companies for response to a fire. They need to develop a fee for structure fires. A recommendation should be made to the fire council. Commissioner Weber asked if it would be appropriate to approach the auditor's office or insurance companies regarding what might be beneficial. Commissioner Lythgoe stated that all the fire departments have that information.

DISCUSS RECOMMENDATION TO THE GOVERNOR REGARDING ROADS IN ROADLESS AREAS

Commissioner Lythgoe stated that he is not prepared to do this at this time. The JLDC has asked

Tom Harrington, Daryl Miller, Mike Molitor and Bryan Stahly to come up with something. He requested that they also include Sam Samson. This group will have something to the Commission by the end of November. Commissioner Weber stated that he has heard from Terry Sexton of the Beaverhead-Deerlodge National Forest and also from Jerry Meyers of the Helena National Forest. Commissioner Lythgoe asked for ideas of when to schedule the public meeting in December. It was decided to hold the next meeting on December 13th. Commissioner Notbohm stated that after reading articles in the newspaper regarding comments made by the governor, he is wondering if they are just wasting their time. Commissioner Lythgoe agreed that he is disappointed. It is as if the governor has already made up his mind. However, a request has been made, and this will be a good exercise for them to go through.

Commissioner Weber moved to adjourn. Commissioner Notbohm seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

CHUCK NOTBOHM, COMMISSIONER

KEN WEBER, COMMISSIONER